

**BOARD OF TRUSTEES  
SUFFOLK COUNTY DEPARTMENT OF PARKS,  
RECREATION AND CONSERVATION  
MINUTES OF SEPTEMBER 17, 2009  
SMITHERS COUNTY PARK, FLANDERS, NY**

**BOARD MEMBERS PRESENT**

Miles Borden	Trustee, Town of Smithtown
Gil Cardillo	Chairman, Town of Riverhead
Ray Corwin	Member at Large
Gregory Dawson	Vice Chairman, Town of Islip
Amy Engel	Member of the Board
Scott Hilary	Trustee, Town of Southold
Alexander McKay	Trustee, Town of Huntington
Bill Shilling	Member of the Board
Edward Walters	Trustee, Southampton
Richard F. White, Jr.	Trustee, Town of East Hampton

**PARKS DEPARTMENT**

John W. Pavacic	Commissioner
Nick Gibbons	Principal Environmental Analyst
Colleen Hofmeister	Principal Contracts Examiner
Karen Nicholson	Superintendent
Ann Rothenberg	Assistant to the Commissioner

**GUESTS**

Dennis Brown	County Attorney's Office, Municipal Bureau
Ron Forman	Ducks Unlimited
Craig Kessler	Ducks Unlimited
Janet Longo	Acquisitions Supervisor, Division of Real Property
	Acquisitions and Management
Roger Podd	County Attorney's Office

Chairman Cardillo called the meeting to order.

**I.R. 1273**

Chairman Cardillo reported the Legislature is requesting a letter from the Trustees regarding I.R. 1273. The revised resolution is going before the full Legislature today. Prior to today's meeting, Chairman Cardillo polled the Trustees. Trustee McKay reported when revised I.R. 1273 went before the full Legislature, it had to be tabled because they had not had a Public Hearing. The Trustees learned only yesterday that this was going before the full Legislature today. Trustee McKay drafted a resolution for the Trustees consideration so their input can be brought to the Legislature this afternoon. Trustee McKay's resolution states that Article C28-3 of the Suffolk County Charter has clearly defined the powers and duties of said Board since its inception in 1960 and the Trustees do not support the provisions of I.R. 1273 as written and respectfully recommend they not be adopted by the Suffolk County Legislature.

Trustee Corwin thought the Trustees would be more comfortable with a super majority provision in I.R. 1273. Trustee Dawson said when the Trustees met with members of the Legislature he believed there was an understanding on amending I.R. 1273. The amended I.R. 1273 does not reflect what was discussed.

Trustee Borden said he would mention the 2/3 super majority in his statement at the meeting of the Legislature later in the day.

Trustee White asked if we'd be doing this if the 2/3 majority provision was in I.R. 1273. Trustee Cardillo looked at the time line of I.R. 1273. This was laid on the table on 7/27/09 after our July Trustees meeting. It then went to the Parks Committee meeting on August 12<sup>th</sup>. It could have been tabled at that point knowing that the Trustees had not met since the resolution was laid on the table. On August 12<sup>th</sup> the Parks Committee voted it out of Committee and it went to the full Legislature. The only reason we are sitting here today discussing this is because at the last minute the County Attorney said that because there were substantial changes to the resolution, there had to be a public hearing. Otherwise, this would have been voted on at the August 18<sup>th</sup> meeting of the Legislature (prior to our scheduled August 20<sup>th</sup> meeting). This was going to be pushed through without our knowledge.

Some minor adjustments were made to the Trustees resolution. Trustee McKay said the whole impetus for this, it seems, was that one Legislator was offended by the fact that this Board turned down a request to establish a dog park at Southaven County Park. Trustee McKay asked if the Charter Revision Commission had addressed this issue.

Trustee Shilling responded that the Charter Commission recommended what the original resolution said....that the Trustees have "power to recommend" and not final control.

**A motion to adopt the Trustees resolution was made Trustee McKay and seconded by Trustee White. The motion was approved by a vote of 8-2-0. Trustees Engel and Trustee Shilling opposed.**

*Trustee Borden excused himself to attend Legislative meeting in Hauppauge.*

#### Speonk/Riverhead Road and other Suffolk County Water Authority Easements

Nick Gibbons reported over the years Parks has had a variety of understandings with the Suffolk County Water Authority where they have done test borings on our property. The Water Authority needs special access to do the test borings. The water quality results of those borings have sometimes been unexpected, at which point they abandon the project at that location and explore other sites. If the quality proves to be suitable for drinking purposes, we move onto the next phase whereby we enter into a long term agreement with the Water Authority to take over a certain portion of the parkland where they develop a well field and it becomes a Water Authority facility. Those agreements have evolved over the years from an in-house understanding between the Water Authority and the Parks Department to a much more formal contract agreement. The Drinking Water Protection Program allows the Authority to develop such a portion of the site as necessary for drinking water facilities and distribution. Otherwise, such properties are prohibited from development. In some cases the Water Authority needs an easement over parklands to get to property they own or to connect to an existing facility

Dennis Brown discussed the easement for Speonk/Riverhead Road. There is a piece of land owned by the Water Authority that sits between two of our parcels. We are looking for a reciprocal easement. In exchange for us granting the Water Authority an easement over our first parcel, they will put in infrastructure to support a pump station they are installing on their property. They will give Parks an easement that will allow us access across their property which connects to our second parcel.

With respect to the other parcels, the Water Authority has identified 34 parcels, each approximately 5 acres, which they may or may not use. They are asking for an easement that allows them access to the 34 parcels for testing purposes. The Water Authority has identified those they think will be the most productive. They want to be able to access those parcels at some time in the future to do tests so see if the water is suitable. If it's suitable, we will then go back and amend the easements to only give them a

specific easement onto the 5 acres of the parcel they have identified. The Commissioner retains supervisory jurisdiction over the property. The specific location of each 5 acre area that will be developed is subject to approval of the Commissioner and the Trustees. Mr. Brown said they have prepared a resolution, to be laid on the table today at the general meeting, seeking Legislative approval.

**A motion to approve the Speonk/Riverhead Road Easement was made by Trustee Walters and seconded by Trustee Engel. The motion was approved by a vote of 8-0-1. Trustee Corwin abstained.**

**A motion to approve 34 additional easements for the Suffolk County Water Authority was made Trustee Engel and seconded by Trustee Cardillo. The motion was approved by a vote of 8-0-1. Trustee Corwin abstained.**

## **PUBLIC PORTION**

Bill Sickles, former Senior Superintendent of the Parks Department, expressed his concern regarding the privatization of County marinas, in particular the current active marinas at Timber Point East, Timber Point West and Shinnecock. From his personal experience, the cost to the County in terms of the labor and operations of those active facilities is minimal. The amount of clerical work involved to realize hundreds of thousands of dollars in revenue for seasonal slips and subsequent fees that can be raised during the season for transient dockage doesn't offset the need for privatization.

Commissioner Pavacic reported that a number of months ago the County Executive asked us to prepare an RFEI (Request For Expression of Interest) to explore having private operators manage one or more of our marinas and look at ideas or concepts to improve marina operations. We are trying to develop a plan about marina operations, including capital improvements, as well as other ideas to explore. This could lead to the development of an RFP (Request For Proposal), but it could also be used to tweak and refine the existing system we have.

Colleen Hofmeister mentioned that the County Executive's office originally asked us to go out for an RFP. When we started to look at this, we realized that we needed to learn more before we went out for an RFP. We needed to gather the information to see what the market could bear and learn more about the marinas to see if it was a feasible idea. With the agreement from the County Executive's office we decided an RFEI was the better way to go.

Colleen Hofmeister and the Commissioner met with some of the boat owners who frequent our marinas and are very concerned that we are "rocking the boat". They had some good suggestions for improving revenue, operations and marina improvements. The Parks Department plans to continue to meet with the boat owners. Ms. Hofmeister reported that Legislator Alden and Legislator Schneiderman sponsored a resolution to block the RFEI.

Commissioner Pavacic reported the Legislature has a seat on any RFEI or RFP committee reviews. The Legislature also must approve any contract we enter into.

Colleen Hofmeister asked for a volunteer to serve on the RFEI Evaluation Committee. Trustee Corwin volunteered to serve on the Committee.

John Giovannello, representing Huntington residents on Abbingtion Drive and Browns Road, is concerned that I.R. 1273 has taken on a new life. He previously understood there was a compromise between the Parks Department and Legislator Browning and now that may not be the case, which is disturbing.

Mr. Giovanniello said his community has been playing by the rules and have been respectful of the process; writing letters, going to meetings, making phone calls regarding the issue of off leash dogs at Coindre Hall and now he is concerned that there will be a new set of rules.

Trustee Engel asked if he contacted his Legislator regarding his concerns. Mr. Giovanniello responded that last week he sent an email to Legislator Cooper and has cc'd Legislator Cooper on all his correspondence, but has not heard back. Yesterday, he personally dropped off all his correspondence at Legislator Cooper's office and Laura Gellerstein responded that Legislator Cooper does want to be involved with this issue.

Trustee McKay said the rules state that dogs are to be leashed at Coindre Hall. The Trustees passed a resolution stating Coindre Hall would not be considered as an "off leash" dog park. The dog owners have not respected that restriction and continue to defy the Parks Department, the Park Police, and the County. Trustee McKay suggested Mr. Giovanniello take this matter to the Parks Committee.

*Trustee Engel excused herself from the meeting.*

### **APPROVAL OF MINUTES OF JULY 16th, 2009**

On page 4, paragraph 3 - change "if" to read "is".

On page 4, paragraph 11 - change "tone" to read "town".

**A motion to accept the minutes was made by Trustee White and seconded by Trustee McKay. The minutes were unanimously approved by a vote of 8-0-0.**

### **DUCKS UNLIMITED**

Craig Kessler of Ducks Unlimited gave a brief overview of the organization. Ducks Unlimited utilizes space at Hubbard County Park and is a private, non profit, conservation organization. Their mission is to conserve, restore and manage wetlands and associated habitats for North American's waterfowl. In 2002 a formal stewardship agreement was signed and Ducks Unlimited became stewards of a portion of the property. The understanding of that agreement was that Ducks unlimited would deliver three services to the County: 1) management, restoration, and protection of natural resources on the property 2) to deliver environmental educational programs and 3) to perpetuate the history and message of what this property is about. Mr. Kessler stated the agreement was signed in 2002 and expired in February 2009.

Colleen Hofmeister reported the resolution was passed in 2002 but it took until 2004 to negotiate and get the 5 year agreement signed. Ducks Unlimited would like to renew that agreement. Commissioner Pavacic said we are looking to continue our relationship but we are waiting for some additional information from Ducks Unlimited before we can move forward. We also want to guard against this becoming an active recreation site. This would not be consistent with the significant natural (and human) history of the site.

The Commissioner also reported that this site was the beneficiary of an Assembly grant from Assemblyman Englebright. We've executed a contract for that grant which provides for the development of a master plan plus some additional funding for restoration.

## **COMMISSIONER'S REPORT**

### **Natural Border Dog Parks**

Commissioner Pavacic reported the opening of the first natural borders dog park on Roe Avenue in Patchogue. It has been a success and the Commissioner thanked Karen Nicholson, Tony Trotta, Nick Gibbons and their respective crews for their hard work. There has been positive a response from users.

The Commissioner reported this is the first of the five dog parks that the Legislature has requested. We have continued to look at the Robinson Duck Farm site. That may be the next natural border dog park to come on line. The Commissioner would like the Trustees to visit the potential site in Coram; perhaps prior to the November Trustees meeting. The next formally fenced site would be on Cherry Avenue in Sayville.

### **Coindre Hall Dog Issue**

The Commissioner thanked Mr. Giovaniello for his continued patience. Mr. Pavacic visited the area and can attest to the fact that the dogs cause a ruckus. Off-leash dogs are a continuing issue for Parks. There have been discussions about perhaps revising the Parks Rules and Regulations to prohibit dogs, even on leash, at particular sites such as Coindre Hall.

Trustee Corwin said there is still the issue of enforcement.

Commissioner Pavacic suggested perhaps the Legislature could explore increased penalties to get the point home, especially for repeat offenders. The Parks Department has also started to explore the possibility of separate dog permits. We would first implement this for dog parks and then expand that to all parks.

Trustee McKay said we need to revisit the idea of making Coindre off limits for dogs. He suggested perhaps we have a joint meeting with the Parks Committee to try to address this problem together. It's a larger problem than the Parks Trustees and the Parks Department can deal with.

### **Boat House**

The Commissioner reported that we continue to work with the Town of Huntington to come to an understanding regarding the \$600,000 they indicated they would provide to the County for the restoration of the Boat House at Coindre Hall. DPW has been finalizing the plans for the renovation of the Boat House and the expectation is they will be going out to bid by October.

### **Smith Point**

The ground breaking is imminent. Karen Nicholson is waiting for clearance to take equipment over the bridge.

## **ROUND TABLE**

When the Parks Department works out the details of the contract with Ducks Unlimited, Trustee Hilary said he would be in favor of the stewardship.

Nick Gibbons thanked Joyce Sickles for making the lunch salads.

The next Trustees meeting is scheduled for Thursday, November 19<sup>th</sup> at Meadowedge in West Sayville, New York.

**A motion to adjourn the meeting was made by Trustee White and seconded by Trustee Corwin. The motion was unanimously approved by a vote of 8-0-0**